

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

AUTOMOTIVE TECHNOLOGIES
INTERNATIONAL, INC.,

Plaintiff,

V.

C.A. No. 06-187-GMS

AMERICAN HONDA MOTOR COMPANY,
ELESYS NORTH AMERICA, INC., and
GENERAL MOTORS CORPORATION,

Defendants.

AUTOMOTIVE TECHNOLOGIES
INTERNATIONAL, INC.,

Plaintiff,

V.

C.A. No. 06-391-GMS

HYUNDAI MOTOR AMERICA,
BMW OF NORTH AMERICA, LLC, and
KIA MOTORS AMERICA, INC.

Defendants.

JOINT STATUS REPORT

The parties submit this semi-annual¹ status report concerning the above captioned cases, which have been stayed pending the resolution of various *ex-parte* and *inter parte* requests for reexamination of a number of the patents-in-suit. The requests for

¹ The last status report was filed March 10, 2009. Defendants provided a draft Joint Status Report to Plaintiff's counsel for filing on September 18, 2009. Defendants also sent a reminder to file on October 1, 2009. It apparently was never filed. On September 15, 2009, this Court issued an Order denying plaintiff's motion to lift the stay.

reexamination were made by certain of the Defendants in the *ATI v Elesys/Honda* litigation.²

Two of the patents-in-suit (the ‘080 and ‘602 patents) that were the subject of reexaminations have emerged with amended claims, including many of the asserted claims, and other claims reconfirmed by the PTO without amendment. Six of the eight relevant reexaminations are still pending.³ In particular, the PTO examiners initially handling the reexams have issued Final rejections for each of the ‘387, ‘978, ‘248, ‘414, ‘136, and ‘595 patents.⁴ Plaintiff has appealed the ‘387 and ‘248 patent reexaminations to the Board of Patent Appeals and Interferences.

Finally, one of defendants in the *ATI v Elesys/Honda* litigation, which was formally known as General Motors Corporation and is now Motors Liquidation Co., is still in bankruptcy.⁵

² Certain of the *Honda* defendants initially sought reexamination of five patents, and subsequently sought reexamination of several additional patents. The eight patents subject to reexamination are the following: U.S. Pat. Nos. 6,712,387 (“the ‘387”), 6,325,414 (“the ‘414”), 6,942,248 (“the ‘248”), 6,484,080 (“the ‘080”), 6,757,602 (“the ‘602”), 6,422,595 (“the ‘595”), 6,397,136 (“the ‘136”), and 5,901,978 (“the ‘978”). The *Hyundai* defendants have not sought any reexaminations.

³ A reexamination certificate for the ‘080 patent issued on August 19, 2008 and a reexamination certificate for the ‘602 patent issued on Dec. 30, 2008. The ‘387, the ‘414, the ‘248, the ‘595, the ‘136, and the ‘978 still remain in pending reexamination proceedings.

⁴ See the ‘387 patent reexamination (April 9, 2009 Advisory Action maintaining the rejection of claims 1-12, 15-27 and 29-53); ‘978 patent reexamination (September 26, 2009 Final Rejection rejecting claims 1-53); ‘248 patent reexamination (May 28, 2009 Right of Appeal Notice maintaining the rejections of claims 1-8, 11-16, 19, 24, 32, 37, 44, 46 and 48-71); ‘414 patent reexamination (March 25, 2010 Action Closing Prosecution rejecting claims 1-13, 16-20, 23-35, 37-39 and 41-84); ‘136 patent reexamination (December 22, 2009 Action Closing Prosecution rejecting claims 1, 8, 9, 17, 24, 26, 27, 29, 36, 45, 49, 56, 57, 66, 69, 70 and 71-74); and ‘595 patent reexamination (January 29, 2010 Action Closing Prosecution rejecting 1, 3-6, 11-17, 19, 24-28, 30-38 and 40-112).

⁵ See Case No. 06-187 Notice of Bankruptcy (D.I. 88).

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